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A LOOK INTO GLASNOST'S IMPACT ON THE SOVIET ART WORLD

I. INTRODUCTION

On June 28, 1990, Soviet artists engaged in an unprecedented protest against the history of cultural repression in their country.¹ Artists throughout the country staged a general strike of silence which was held to protest the repressed state of their country's culture.² Protests recurred throughout the day in the creative unions, as journalists halted their work and as employees stopped their work at publishing houses.³ At 7:30 p.m., plays, concerts, cinemas, clubs, as well as the Bolshoi ballet and other cultural and artistic institutions halted performances.⁴ Common grievances permeate all areas of Soviet culture, but this Comment focuses on the areas of film, music, theater and painting in particular. The common denominator of these mediums in the post-glasnost era is the ubiquitous role of art in the Soviet Union.

Prior to glasnost,⁵ discussion on the role of art or artists was not valued. The Soviet Union's government would only tolerate art which propagated socialist opinions. According to Soviet Constitutional theory, there are two kinds of opinions:

a correct opinion, which is a product of socialist consciousness and encourages the development of a socialist or communist society, and an incorrect opinion, which is of a reactionary nature and hampers social progress. Freedom of speech concerns only the former. The latter is contrary to socialist order and must not be protected.⁶

Under these limitations, artists were divided into two groups: official and unofficial.⁷ If an artist followed the Soviet State's requirements and

1. *Culture in Distress*, Pravda, June 29, 1990, at 1, reprinted in CURRENT DIGEST OF SOVIET PRESS, Aug. 1, 1990, at 23.

2. *Id.*

3. *Id.*

4. *Id.*

5. Glasnost is a political term coined by Soviet President Gorbachev and his party, denoting a new "openness" in the Soviet Union. See Sharlet, *Party and Public Ideals in Conflict: Constitutionalism and Civil Rights in the USSR*, 23 CORNELL INT'L L.J. 341, 345-47 (Symp. 1990).

6. Brunner, *Freedom of Speech*, in ENCYCLOPEDIA OF SOVIET LAW, 343 (2d rev. ed. 1985).

7. Meisler, *Casting a 'Glasnost' Glow on Once-Obscured Artist*, SMITHSONIAN, Dec. 1989, at 130, 134-35.

channeled his or her creative energy into an acceptable format, the artist could be classified as an official artist.⁸ Official artists belonged to a state-run organization which would facilitate each artist's career.⁹ These artists were educated, housed, supplied and paid by the state.¹⁰ Unofficial artists were those who did not follow the state's requirements.¹¹ Not only did the state not help advance the unofficial artist's career, but the state also would attempt to destroy any non-official artistic endeavor through sanctions, discrimination, psychiatric internment or outright force.¹²

Artistic segregation began to crumble when glasnost arrived in 1986. Mikhail Gorbachev¹³ promised new freedoms and less state control.¹⁴ The distinction between official and unofficial state-approved activity became blurred.¹⁵ Likewise, preexisting censorship in the Soviet Union decreased as the glasnost changes in policy emphasized a need for unbridled exchanges of ideas throughout all areas of life.¹⁶ The transformation of ideals was to be cemented through codification.¹⁷ Of course, this restructuring of the Soviet government's foundation philosophy would take time, but the party program was to be hierarchically superior to the state constitution until a new constitution could be written.¹⁸ Changes in practice could happen immediately, but no one knew what this unfamiliar freedom meant.¹⁹ Diverse activists within different cultural meccas began to translate glasnost and democratization into actual practice without awaiting legal institutionalization.²⁰ Consequently, the country's intellectual and cultural life began to lean toward the commercialization of culture.²¹ With Soviet society experiencing freedom to create art in the realms of film, music, theater and fine art, a market was developing for these liberated modes of expression. Negative effects

8. *See id.* at 135.

9. *Id.*

10. *Id.*

11. Meisler, *supra* note 7, at 134-35.

12. *See* Sharlet, *supra* note 5, at 345-47.

13. Mr. Gorbachev has been the president of the Soviet Union since 1986 and he is the moving force behind glasnost.

14. Meisler, *supra* note 7, at 133.

15. *Id.*

16. *See* Sharlet, *supra* note 5, at 341.

17. *Id.*

18. Osakwe, *Equal Protection of Law in Soviet Constitutional Law and Theory — A Comparative Analysis*, 59 TUL. L. REV. 974, 979 (Mar. 1985).

19. *See generally* Sharlet, *supra* note 5, at 341.

20. *Id.*

21. *In the CPSU Central Committee*, Pravda, Sept. 20, 1990, at 1-2, reprinted in CURRENT DIGEST OF SOVIET PRESS, Oct. 31, 1990, at 26 [hereinafter *CPSU*].

flowed from this unchartered change because the absence of written and legal structure for cultural reforms left no guidance.²²

As of March 1991, the Soviet Union has not codified laws ensuring artists their rights as expressed in the promises of glasnost. The arts remain in trouble without a firm legal foundation, but ironically artistic expression never has been stronger. Now, at least, the artists have a voice with which to protest their conditions as well as contribute ideas in creating their future. Yet this voice is unprotected in the absence of a constitution ensuring the people's right to express ideas and a government which enforces that right.

II. CREATIVE AND BUSINESS STRUCTURE ALTERATIONS IN SOVIET CINEMA SINCE GLASNOST

A. *Ideological Changes in Film*

Before glasnost, the Soviet government ensured that the films produced within the country contained a certain didactic or ideological value.²³ Soviet movies were not created primarily for entertainment but rather for professing the political line.²⁴ This genre gave way to artistic expression post-glasnost.²⁵ Now movies will only be censored if a film is found to be racist, pornographic or overly violent.²⁶ Virtually no ideological mandate is required,²⁷ and consequently, filmmakers have been able to dramatically expand upon their subject matter. One Soviet commentator explains:

Today documentary filmmakers are again on the cutting edge of many painful topics; they try to make us think about whether society and the country, which is so important in terms of its history, culture and intellectual resources, though it has been warped and contaminated by Stalinism, are continuing, through inertia, to live in a world of lies.²⁸

Indeed, little to no censorship exists when sex is depicted on the screen.²⁹ Glasnost has relieved screen heroes from the duty of pretending

22. *Id.*

23. Taska, *Film and Television Co-Productions with the USSR*, 11 WHITTIER L. REV. 401 (Summer 1989).

24. *See id.*

25. *Id.* at 404.

26. Quinn-Judge, *At Moscow Filmfest, A Smaller Role For Politics*, Christian Science Monitor, July 10, 1987, (Arts and Leisure), at 23.

27. *See Taska, supra* note 23, at 404.

28. Pashkov, *Not to Lie to Ourselves*, Izvestia, June 3, 1990, at 4, reprinted in CURRENT DIGEST OF SOVIET PRESS, July 4, 1990, at 27.

29. *See Kuchin, Filming the Abyss*, WORLD PRESS REVIEW, Feb. 1990, at 42.

to be asexual.³⁰ However, the filmmaking associations have been criticized for producing films which "appeal to unhealthy feelings and encourage cruelty and sensuality."³¹ Criticism is a component of a healthy democratic society, yet creative liberation and discussion in one area must not entirely captivate the Soviet public's attention. The danger exists when one liberalized area of filmmaking mutes previously censored political problems which exist in a changing government.³² For example, critics complain that censorship still exists and that filmmakers are still unable to speak of sensitive political issues such as the *Pamyat*.³³ Whether or not filmmakers are free from censorship, inroads have been made. The 1967 production of *Commissar*, directed by Alexander As-koldov, was released in 1988.³⁴ Set in the Ukraine in 1922, the film looks at Jewish issues and Soviet history.³⁵ Likewise, the current production of *Taxi Blues*, directed by Pavel Lungin, raises issues of anti-semitism and class conflict which had been avoided pre-glasnost.³⁶ The Soviet Union's history and culture are being accurately discussed for the first time since Stalinism sealed up truths and distorted reality.³⁷

B. Business Changes in Film

The business structure for Soviet filmmakers has gone through many changes in the past five years.³⁸ Glasnost paved the road for the takeover of the official filmmakers union in May of 1986.³⁹ Two-thirds of the union's leadership was voted out and Elem Klimov was elected to head the new Soviet Filmmakers Union.⁴⁰ One of the first tasks undertaken was to form a conflict commission to look into movies which were not allowed to be released from 1966 to 1986.⁴¹ Of these films, thirty

30. *Id.*

31. *CPSU*, *supra* note 21.

32. Kuchin, *supra* note 29, at 42.

33. The *Pamyat*, which means memory, is an unofficial extremist group known for its anti-semitic views.

34. Sterritt, *Soviet "Commissar" in US*, *Christian Science Monitor*, July 1, 1988, (Arts and Leisure, Film), at 19.

35. *Id.*

36. Sterritt, *Films Around the World*, *Christian Science Monitor*, Sept. 13, 1990, (The Arts), at 14.

37. Pashkov, *supra* note 28, at 27.

38. Dunlop, *Soviet Cultural Politics*, *PROBLEMS OF COMMUNISM*, Nov./Dec. 1987, at 34, 36.

39. *Id.*

40. *Id.*

41. *Id.* at 38.

were cleared for release.⁴² Klimov had progressive ideas of where the union was headed and declared the union's new model for the film industry would include "democratization and decentralization."⁴³

In an effort to expose the West⁴⁴ to Soviet film, members of the Klimov team travelled to the West.⁴⁵ This venture has been successful. At the Cannes film festival in May 1987, for instance, Tenzig Abriladze's anti-Stalinist film, *Repentance*, won the runner-up prize.⁴⁶ *Repentance* was one of the Soviet films shelved for two years prior to glasnost's acceptance of previously untolerated films.⁴⁷ To aid in the endeavor for international exposure, a new rule was adopted on April 1, 1990, which allows many Soviet film studios the right to do business with foreign countries.⁴⁸ Soviet film studios finally have the chance to break with the pre-glasnost tradition of reliance on state funding.⁴⁹ The studios hope to become self-supported by the profits generated from their films.⁵⁰ These changes depended on worldwide commercialization of the Soviet film product.⁵¹

Although Soviet filmmakers produce quality films, America is hesitant to accept foreign films which are dubbed or subtitled and, therefore, the Soviet films are usually relegated to art venues in which they receive limited exposure.⁵² Soviet movie producers allege that Columbia and Twentieth Century-Fox executives do not believe that Soviet films can have commercial success in the United States.⁵³ This attitude thwarts the Soviet filmmakers from achieving their goal of widespread distribution of Soviet film. This American assessment of Soviet film desirability may be a premature evaluation considering the success that other Soviet mediums have had internationally.⁵⁴ Yet, American film studios are pri-

42. *Id.* Some of the movies cleared for release included Muratova's *The Long Goodbye* (1971) and Abuladze's *Repentance* (1984).

43. Dunlop, *supra* note 38, at 38.

44. This comment will refer to the East and West. East signifies the Soviet Union and West entails the United States and western Europe.

45. Dunlop, *supra* note 38, at 39.

46. *Id.*

47. Quinn-Judge, *The Man Behind the USSR's Most Popular Film - A Parable About Tyranny*, Christian Science Monitor, Aug. 7, 1987, (Arts and Leisure, Film), at 19.

48. Taska, *supra* note 23, at 402.

49. Gritten, *Mosfilm Goes Hollywood*, L.A. Times, Nov. 4, 1990, (Calendar), at 5, col. 1.

50. Dunlop, *Soviet Cultural Politics*, PROBLEMS WITH COMMUNISM, Nov./Dec. 1987, at 34, 38.

51. Gritten, *supra* note 49, at 5, col. 1.

52. Taska, *supra* note 23, at 403.

53. Quinn-Judge, *At Moscow Filmfest, A Smaller Role For Politics*, Christian Science Monitor, July 10, 1987, (Arts and Leisure), at 23.

54. See *infra*, sections on music, theater and art.

marily interested in making their money by selling American films to the Soviet Union rather than by distributing Soviet films.⁵⁵

Klimov is also interested in bringing western films into the Soviet Union.⁵⁶ At the Moscow Film Festival in 1987, Klimov promised an increase of western films to be shown in the Soviet Union.⁵⁷ Since glasnost, the Soviet Union has been introduced to western films, such as Fellini's *8 1/2*, and Antonioni's *Red Desert*,⁵⁸ as well as the American classic, *Gone With the Wind*.⁵⁹

Until glasnost, American films were sold to Soviet film studios for a flat rate.⁶⁰ Now that Soviet studios are free to deal directly with different production entities, the pricing of western films entering the Soviet Union should become less uniform than it was before glasnost.⁶¹ In fact, Soviet film studios have proposed that film distribution be done on a percentage basis.⁶² However, without codified rules, the government haphazardly administers restrictions.⁶³ For instance, the Soviet Union's Ministry of Culture issued instructions on procedures for registering videotapes which show films commercially.⁶⁴ The profits from the video clubs totaled six to ten billion rubles annually.⁶⁵ These large profits were realized because the clubs and small cooperatives had started releasing bootlegged copies of American films such as *Rambo*.⁶⁶ These bootlegged releases infringed on the rights of American and Soviet distributors.⁶⁷ In addition, little of the money went to the Soviet state budget while the majority of the money went to people whom the government classified as "wheeler-dealers."⁶⁸ The government was unhappy with this private profit making and attempted to alleviate the problem by banning these small video clubs.⁶⁹ Western films nevertheless continue

55. Quinn-Judge, *supra* note 53, at 23.

56. *Glasnost Goes to the Movies*, THE ECONOMIST, July 25, 1987, at 79.

57. *Id.*

58. Medvedev, *Cultural Revival in the Soviet Union*, DISSENT, Winter 1988, at 15, 16.

59. Christie & Goldberg, "Gone With the Wind" Comes to Moscow Courtesy of Ted Turner, and Soviet Moviegoers Give a Damn, L.A. Times, Oct. 22, 1990.

60. Taska, *supra* note 23, at 403.

61. *Id.*

62. *Id.*

63. CPSU, *supra* note 21, at 26.

64. *Id.*

65. According to the exchange rate on 01/22/91, this would amount to approximately 4 million to 1.1 billion American dollars.

66. Taska, *supra* note 23, at 402.

67. *Id.*

68. CPSU, *supra* note 21, at 26.

69. Taska, *supra* note 23, at 402.

to reach the Soviet Union through regulated channels.⁷⁰ It is estimated that of Moscow's one hundred twenty-five theaters, sixty percent are showing American films.⁷¹

Soviets are also trying to entice westerners to film in the Union of Soviet Socialist Republics (USSR). Soviets have respectable film and television studios, film facilities, locations for shooting and lower costs of production.⁷² An episode of the New York based television show, *Head of the Class*, was filmed in Moscow, indicating that the Soviets have had some success in the endeavor.⁷³ To prepare for future visitor productions, Mosfilm, the largest Soviet movie studio,⁷⁴ negotiated with the Hilton Hotel chain to build a luxury hotel near the film studio in Moscow.⁷⁵ The intermix between East and West is growing. It is very clear that great opportunity exists for American and Soviet cultural exchange through the exchange of film products and collaboration on film creation.

III. ROCK MUSIC IN THE SOVIET UNION

A. *Rock Music Before Glasnost*

Pre-glasnost, rock music in the Soviet Union existed as an underground mode of creative expression which the establishment refused to tolerate.⁷⁶ Rock music as a form of musical expression was not only looked down upon, but was unable to survive through any legitimate structure.⁷⁷ The Communist party banned rock groups from performing on theater stages as well as from composing in recording studios.⁷⁸ Soviet musicians, even unofficial amateurs, may not consider their music political⁷⁹ nor themselves dissidents.⁸⁰ Yet, the act of performing was

70. Gritten, *supra* note 49, at 6.

71. *Id.*

72. Taska, *supra* note 23, at 405.

73. *Id.*

74. Gritten, *supra* note 49, at 5, col. 1.

75. *Id.* at 6, col. 2.

76. Marcus, *Let Freedom Rock*, UPDATE, May 18, 1990, at 14.

77. *Id.*

78. *Id.* See also Washburn, *O.C. Pop Beat: Success Spoiled Soviet Rock, Musician Says*, L.A. Times, Nov. 22, 1990, § F (Calendar), at 1, col. 3 (Orange County ed.). (When musical groups, other than rock groups, were allowed to perform, they had to submit lyrics as well as between-song comments for approval. In addition, the bands could only perform twenty percent of their own material. The rest had to be official music created by members of the Union of Soviet Composers.).

79. See *Funky Glasnost*, THE ECONOMIST, Oct. 3, 1987, at 104.

80. See *20/20: Rock Around the Kremlin* (ABC television broadcast, Nov. 21, 1985) (transcript available from ABC News, Box 2020, Ansonia Station, New York, N.Y. 10023) [hereinafter 20/20].

deemed political in itself.⁸¹ While the lyrics were not anti-communist, the Ministry of Culture did not like the music because the mode of expression was outside their control.⁸²

Undeniably, the essence of rock music is its social content and thus rock music starts out as an event of social life, not aesthetic life.⁸³ For instance, Soviet bloc rock groups sing "songs about people exasperated by shortages of food and household goods, people despairing of the notion that hard work pays in the end."⁸⁴ Indeed, rock music fundamentally carries with it many meanings.⁸⁵

Of course, rock music was not completely crushed by the repressive foot of the establishment, but rather kept itself alive through recordings made on cassettes and distributed without charge.⁸⁶ The musicians did not profit monetarily from this distribution, but black marketeers profited by reselling the tapes to friends.⁸⁷ Musicians gained knowledge of other groups through the underground trading.⁸⁸ To a limited extent, musicians also could learn about the western music scene by buying cassettes on the black market which were supplied by foreigners travelling in the Soviet Union.⁸⁹

B. Rock Music Pervades the Soviet Union After Glasnost

With the advent of glasnost in 1986, the harassment of rock musicians stopped.⁹⁰ Not everyone was happy with the music, but it was tolerated.⁹¹ No longer is it a crime to walk in Moscow with a rock album under your arm.⁹² An influx of western groups made their way out of the confines of the underground and into the general public arena and for the first time, the public could hear foreign rock and alternative bands perform in the Soviet Union.⁹³ For instance, a Heavy Metal Fest occurred at Moscow's Lenin Stadium on August 12 and 13, 1989.⁹⁴ This

81. See Marcus, *supra* note 76, at 14.

82. Washburn, *supra* note 78, at 1, col. 3.

83. Issledovaniya, *Rock Music? Subculture? Life-Style?*, GORBACHEV AND GLASNOST: VIEWPOINTS FROM THE SOVIET PRESS 154, 157-59 (I. Tarasulo ed. June 1989).

84. Echikson, *Soviet-Bloc Rock*, Christian Science Monitor, Jan. 18, 1990, (Ideas), at 13.

85. *Id.*

86. Marcus, *supra* note 76, at 14.

87. *Id.* See also 20/20, *supra* note 80.

88. 20/20, *supra* note 80.

89. See Marcus, *supra* note 76, at 14.

90. *Id.*

91. Pintos, *Rocking the Musical Boat*, WORLD PRESS REV., Feb. 1990, at 40.

92. *Id.*

93. See *Glasnost Rock*, ROLLING STONE, Dec. 14-28, 1989, at 58.

94. *Id.*

event was allowed and was legitimized by being dubbed an anti-drug crusade by the government.⁹⁵ The government even showed enthusiasm for some of the rock events.⁹⁶ For example, Vladimir Anosov, an official in the tour organization department of the USSR State Concert Committee said in January 1990, "[t]he main event of the year, perhaps, will be two concerts in Moscow by the legendary Rolling Stones."⁹⁷

The means for furthering a Soviet musician's career also developed as a result of glasnost. Rock musicians could now join the established musicians union, Philharmonia.⁹⁸ This membership would give them access to the best equipment and professional status as musicians.⁹⁹ While the privilege of having a legitimate agency advance the musician's career is tempting, the drawbacks are indicative of communist control.¹⁰⁰ For example, Philharmonia provides: (a) supervision and therefore political control; (b) a high volume of performances; and (c) little money.¹⁰¹ Also, in the official union, profits do not coincide with popularity.¹⁰² Artists who belong to Philharmonia receive a set fee for their album or concert regardless of how many people buy their albums or attend their shows.¹⁰³

The musicians' other option is to reject union membership and try to gain access to the public without Philharmonia's help.¹⁰⁴ This approach allows a group to receive money according to how many people buy their albums and attend their shows.¹⁰⁵ Another alternative to membership in Philharmonia is for musicians to join another official organization, the Moscow Rock Lab.¹⁰⁶

The Moscow Rock Lab acts as a liaison between independent Soviet musicians and the foreign market.¹⁰⁷ The first Soviet rock group to gain exposure in the foreign market was the group Autograph, who played in the Live Aid concert in 1986.¹⁰⁸ This performance was the first chance

95. *Id.*

96. Charodeyev, *Tours: Rolling Stones to Perform in Moscow*, *Izvestia*, Jan. 21, 1990, at 4, reprinted in *CURRENT DIGEST OF SOVIET PRESS*, Feb. 21, 1990, at 26.

97. *Id.*

98. See generally *Funky Glasnost*, *supra* note 79, at 104.

99. *20/20*, *supra* note 80.

100. See *Funky Glasnost*, *supra* note 79, at 104.

101. *Funky Glasnost*, *supra* note 79, at 104.

102. *20/20*, *supra* note 80.

103. *Id.*

104. *Id.*

105. See *id.*

106. Pintos, *supra* note 91, at 40.

107. *Id.*

108. Pintos, *supra* note 91, at 40. Live Aid was an international collaboration of musicians to help raise money to alleviate world hunger.

for the western public to see that rock existed behind the iron curtain. The Moscow Rock Lab encourages musical exchange with the West and helps Soviet artists get their work released by foreign record companies.¹⁰⁹

Despite all of the western influences, the Moscow Rock Lab's musicians all sing in Russian.¹¹⁰ The language barrier between the East and West lessens Soviet desirability by the West unless the Soviet product communicates in English.¹¹¹ Yet, musicians who sing in english are considered by most other Soviet musicians to have sold out to the West completely.¹¹² The commercial success to be gained by singing in english allows monetary profits propel the music rather than the creative process. Some musicians view singing in english as allowing the West to strip away the Soviet's identity as a Soviet musician. This conflict between commercialization and artistic integrity is tearing bands apart. For example, Aquarium's lead singer, Boris Grebenshchikov, opted for western success when a major western record company was interested.¹¹³ His band remained in Leningrad while Grebenshchikov left for Manhattan.¹¹⁴ The philosophical differences regarding singing in english will continue to divide bands as long as the West does not change its aversion to appreciating music in different languages.

Musical groups also exist outside any organization. Many of these groups are in direct opposition to the rock labs and this radical wing of musicians has counter-culture qualities.¹¹⁵ Whatever route the artists choose, Soviet musicians are trying to share their Soviet rock with the West without becoming mimics of the West or being exploited by the Soviet Union through underpayment of a desired commodity.¹¹⁶

109. *Id.* See also Issledovaniya, *supra* note 83, at 156. The Moscow Rock Lab also recognizes that there are diverse styles within rock music and has allowed for different musical trends to be played out. For instance, within the Lab there is Heavy Metal, Mainstream, Avant-Garde, and Electronic Romanticism music.

110. Pintos, *supra* note 91, at 40.

111. The same language barrier presented a problem with American film companies' aversion towards Soviet films made in Russian. See *supra* notes 51-53 and accompanying text.

112. Pintos, *supra* note 91, at 40. For instance, the rock group Gorky Park sings in english and is ridiculed by their own country's musicians. *Id.*

113. Ryback, *A Somber Refrain For East Bloc Rock*, Christian Science Monitor, May 31, 1990, at 10 (The Arts).

114. *Id.*

115. Issledovaniya, *supra* note 83, at 156.

116. See generally Pintos, *supra* note 91, at 40.

poration, created a consortium for the international protection and active commercial use of the intellectual property, name, and trademark of the Bolshoi Theater.¹³¹ Entertainment Corporation has no control over the theater's creative work but does get forty percent of the profits generated from this deal.¹³² The Bolshoi is free to create while receiving an income for the use of its name.¹³³

The smaller theaters do not have a name to sell and are the hardest hit because they are not subsidized by the government.¹³⁴ Yet, despite problems with the lack of backing, a small theater can make a more radical break from traditional expectations of the theater and grow along with the other newly freed creative modes of expression.¹³⁵ The theater does not remain an island because the actual notion of theater includes writers, musicians, actors and artists. The arts are brought from the stage and into the actors' studios. Small theatrical studios are often decorated with the latest avant-garde art and filled with modern music.¹³⁶ This ensemble of different creative fields merging with newly acquired liberties sets the stage for an interesting future for both the theater and its audience.

V. SOVIET ARTISTS

A. *Pre-Glasnost Categorization of Official Artists*

In 1934, Joseph Stalin¹³⁷ decreed that the only acceptable art was figurative art: so-called socialist realism.¹³⁸ To maintain this standard, in the early 1930s the Stalinist regime disbanded many artist organizations.¹³⁹ A brief thaw of the existing intolerance for rebellious art took place in the late 1950s and early 1960s under Nikita Khrushchev.¹⁴⁰ This abruptly ended in 1962 with the Moscow exhibit "30 Years of Moscow Art."¹⁴¹ At the Moscow exhibit, Khrushchev spotted examples of abstract art of which he did not approve and believed the Soviet Union

131. *Id.*

132. *Id.* at 30.

133. *Id.*

134. See generally Smelyansky, *supra* note 118, at 33.

135. Smelyansky, *supra* note 118, at 33.

136. *Id.*

137. Stalin was Secretary General of the Communist party from 1922 to 1953 and was Premiere of the Soviet Union from 1941 to 1953. 11 THE NEW ENCYCLOPAEDIA BRITANNICA 205 (1988).

138. Young with Rinehart, *Culture and Glasnost*, MACLEAN'S, July 31, 1989, 42, at 43.

139. Meisler, *supra* note 7, at 142.

140. Young with Rinehart, *supra* note 138, at 43. Khrushchev was Premiere of the USSR from 1958 to 1964. 6 THE NEW ENCYCLOPAEDIA BRITANNICA 843 (1988).

141. Meisler, *supra* note 7, at 142.

IV. THEATER IN THE SOVIET UNION

Prior to glasnost, the theater¹¹⁷ provided the creative outlet to the ideological campaigns of the Soviet Union.¹¹⁸ The government controlled the theaters which benefitted the actors since this control provided them with a theatrical school formed on solid traditions and styles.¹¹⁹ Yet, the theater's creative liberty was stifled by the government's stronghold and the theater was anxious for an alternate structure.¹²⁰

In 1986, at a time ripe for change, the All-Russian Congress of Theater Workers set up a new Soviet Theater Workers Union.¹²¹ The elections produced a ten percent turnover in the theater's leadership.¹²² The policy changes included: (a) theater collectives having full independence in the selection of plays; (b) wages of theater personnel depending to some extent on profitability of their productions; (c) theaters setting their own admission prices; and (d) new theaters opening to promote Soviet youth participation.¹²³ This grassroots union successfully achieved freedom from governmental control.¹²⁴ From 1988 to the present day, theaters have been selecting and staging plays of their own.¹²⁵ The classics may still be performed, but from a new angle.¹²⁶

Yet, theater groups paid a price for leaving their contributors who imposed creative control.¹²⁷ The structure disappeared and left creative freedom without monetary backing.¹²⁸ The absence of funding affected the talent generated in the theater, which in turn diffused the theaters' audience.¹²⁹ A theater needs an audience, because without one a theater ceases to exist.

The lack of sufficient financial backing even affected the prestigious Bolshoi Theater.¹³⁰ In April 1989, the British firm, Entertainment Cor-

117. Theater represents actors, stage crew, etc. and not the building.

118. Smelyansky, 'Glasnost' Produces A Cultural Revolution, *'Our Country and Theater Live in Anticipation'*, WORLD PRESS REVIEW, Feb. 1990, at 32.

119. Medvedev, *Bits of Light in a Gray World - Cultural Life in the Soviet Union*, DISSENT, Winter 1987, at 46.

120. See generally Smelyansky, *supra* note 118, at 32.

121. *Id.*

122. Dunlop, *supra* note 38, at 39.

123. *Id.* at 39-40.

124. See Smelyansky, *supra* note 118, at 32.

125. Smelyansky, *supra* note 118, at 32.

126. *Id.* at 33.

127. See generally Smelyansky, *supra* note 118, at 32.

128. Smelyansky, *supra* note 118, at 33.

129. *Id.*

130. Belyavsky, *Penniless Palace*, Pravda, July 17, 1990, at 3, reprinted in CURRENT DIGEST OF SOVIET PRESS, Aug. 22, 1990, at 29.

should not allow.¹⁴² Thereafter began renewed intolerance for anything other than social realism.¹⁴³ Alternative art was kept alive, albeit hidden, through underground artist communities.¹⁴⁴

Meanwhile, the state-sanctioned artists received the benefits of being categorized as official artists.¹⁴⁵ To advance an official writer or painter's career, the Soviet government provided the artist with adequate supplies, work space, living quarters, recognition, salary and sales.¹⁴⁶ A young Soviet received professional training and then graduated to membership in an official union.¹⁴⁷ These unions allowed the artist to create only state-approved art as their occupation.¹⁴⁸ Only state-sanctioned official artists were allowed to sell their works to the government.¹⁴⁹ Yet, some artists refused to obey the government restrictions and considered those who joined the union as betraying truth in art in favor of the official propaganda and distortion of reality.¹⁵⁰ Such compromise of conscience allowed some artists to assume high positions in the cultural hierarchy, but restricted the possibility of creating works of artistic value commonly associated with freedom to create.¹⁵¹ Although the official artists ruled the Soviet art world, they received little, if any, interest from the public.¹⁵² In 1985, numerous official art exhibitions were organized for the fortieth anniversary of the victory over Nazi Germany.¹⁵³ The museums were unable to recoup their expenses.¹⁵⁴ Likewise, none of the world's museums had been buying paintings of the Soviet Academy of Art members.¹⁵⁵ Social realism could not stand as the only acceptable method of art.¹⁵⁶ The Soviet government needed to address other types of art which did not conform to a strict socialist message.

B. *Pre-Glasnost Categorization of Unofficial Artists*

In contrast to the official artists, unofficial artists had to obtain day

142. *Id.* (Khrushchev shouted, "Jackasses! . . . We are declaring war on you.") *Id.*

143. *Id.*

144. *Id.*

145. Meisler, *supra* note 7, at 135.

146. *Id.*

147. *Id.*

148. *Id.*

149. Young with Rinehart, *supra* note 138, at 42.

150. Medvedev, *supra* note 119, at 46.

151. *Id.*

152. Medvedev, *Cultural Revival in the Soviet Union*, *DISSENT*, Winter 1988, at 15, 16.

153. *Id.*

154. *Id.*

155. *Id.*

156. *Id.*

jobs to avoid becoming classified as parasites on society, a violation of communist law.¹⁵⁷ Not only were these artists not recognized by their government, but also they were not allowed to generate avant-garde art.¹⁵⁸ However, this precarious position allowed these creators to produce avant-garde art in the underground art world.¹⁵⁹ However, their art could not reach a marketplace which would generate great monetary rewards.¹⁶⁰ The sole purpose of producing underground artwork was to further artistic goals because underground artists only needed to appeal to themselves.

The unofficial artists were often mistakenly categorized by journalists as political dissidents, even when their concerns were primarily aesthetic, not political.¹⁶¹ Ernst Neizvestney, a sculptor, stated "American journalists know me only as a dissident or like a military hero, fighting Khrushchev, they know the story but there is no analysis of the art."¹⁶² This stigmatism is similar to that found with rock musicians, where the mere act of singing was regarded as political, although the lyrics of the songs often did not contain political messages.¹⁶³

Unofficial artists had the added frustration of not being able to freely exhibit their works. In 1974, unofficial artists held an outdoor show in an open field on the outskirts of Moscow.¹⁶⁴ This exhibit lasted only minutes before Leonid Brezhnev's¹⁶⁵ government had bulldozers destroy this Sokolniki exhibition.¹⁶⁶ Thugs (non-official government employees) and water trucks were sent in to beat away the crowds and bulldozers buried what the state considered decadent art.¹⁶⁷ These government hooligans retaliated against people whose behavior did not conform to state policy even after bureaucratic sanctions had been applied.¹⁶⁸ In addition, the victims were denied recourse of a criminal complaint because official personnel did not carry out the actions.¹⁶⁹ However, unofficial artists continued creating art within their own private enclaves of artists

157. Meisler, *supra* note 7, at 135. Parasitism refers to a citizen who lives off of society without performing his or her share of society's work. *Id.*

158. *Id.*

159. *Id.* Avant-garde art is an experimental treatment of art.

160. *Id.* at 132-33.

161. Wallach, *Marketing Perestroika*, ART IN AMERICA, Apr. 1989, at 53, 54.

162. *Id.* at 56.

163. See *supra* notes 69-71 and accompanying text.

164. Young with Rinehart, *supra* note 138, at 43.

165. Brezhnev was the leader of the Soviet Union from 1964 until 1982. 2 THE NEW ENCYCLOPAEDIA BRITANNICA 507 (1988).

166. Young with Rinehart, *supra* note 138, at 43.

167. Meisler, *supra* note 7, at 131.

168. *Id.*

169. Sharlet, *supra* note 12, at 346.

and the underground art scene burgeoned throughout the period of intolerance.¹⁷⁰ In time, some artists were able to display their work in the Soviet Union although these exhibitions were sporadic, incomplete and generally held outside established mainstream art world venues.¹⁷¹ Soviet avant-garde art was also seen limitedly in America through New York exhibitions in non-profit spaces.¹⁷²

C. Glasnost Redefines the Official and Unofficial Artist's Role in Society

Ironically, unofficial art was not only tolerated after 1986, but it also became the pride of Moscow.¹⁷³ This ability to accept the art is partly due to glasnost's eradication of artistic censorship.¹⁷⁴ The unofficial artists would not have to tailor their art to fit acceptable norms because most art, aside from blatant pornography and direct attacks on living political figures, could be publicly exhibited.¹⁷⁵ In addition, exhibits are allowed to be held uninterrupted in public forums¹⁷⁶ and official Soviet magazines have also started to cover what was once unofficial art.¹⁷⁷ This new competition entering the art market was an affront to official artists who had obeyed the rules.¹⁷⁸ For example, official union artists were threatened when unofficial street artists began selling artwork in parks.¹⁷⁹ The official artists had no recourse because the government would no longer support a stagnant art world. The official artists soon realized that their reign over the Soviet art world would have to be shared with unofficial artists.¹⁸⁰

This thrust of unofficial artists into the public's view changed governmental perspectives of the unofficial artists. Glasnost legitimized the Gorbachev bureaucrats' blurring of the distinction between official and unofficial art.¹⁸¹ Indeed, the official views on art radically changed. On

170. Meisler, *supra* note 7, at 142.

171. Wallach, *supra* note 161, at 53.

172. For instance, there was the 1982 show, "Transplantation of the Russian Spirit: Russian Samizdat Art" and a larger exhibit in 1986 entitled "Sots Art." *Id.* at 59.

173. Meisler, *supra* note 7, at 131.

174. Gambrell, *The Perils of Perestroika*, ART IN AMERICA, Mar. 1990, at 46, 48 [hereinafter *The Perils of Perestroika*].

175. *Id.*

176. Meisler, *supra* note 7, at 133.

177. *The Perils of Perestroika*, *supra* note 174, at 49.

178. Gambrell, *Perestroika Shock*, ART IN AMERICA, Feb. 1989, at 123, 132 [hereinafter *Perestroika Shock*].

179. *Id.*

180. *Id.* at 124.

181. Meisler, *supra* note 7, at 133.

November 21, 1989, the Soviet Minister of Culture, Nikolai Gubenko was asked his views on the official style of social realist art.¹⁸² Gubenko stated, "I don't know what this means . . . [E]ach of us artists has his own [concept of] realism . . . [I]t is the task of the new generation to exclude this kind of formula."¹⁸³

The Gorbachev regime's promotion of unofficial art resulted in artists once considered outcasts being asked to exhibit in official capacities.¹⁸⁴ In July, 1988, the Union of Artists of the USSR invited ten unofficial artists to exhibit alongside its own members in a massive show in Moscow.¹⁸⁵ The exhibit also reached the West.¹⁸⁶ The glasnost policy was being tested within its own borders as well as from the Western world.

D. The Western World's First Glance at Soviet Avant-Garde Artists

In 1986, glasnost opened the doors for the world to seek the unofficial art being created within the Soviet Union.¹⁸⁷ While the official art had not received widespread acclaim, unofficial art was a fresh, marketable commodity which affected the international art world.¹⁸⁸ The West obtained a taste of the Soviet avant-garde through the help of Anne Livet, Steven Reichard and Volkert Klaucke who started the company, Sovart, which was designed to place Soviet artists with responsible American galleries.¹⁸⁹ These three people travelled to the Soviet Union at the inception of glasnost and saw official artists by day and unofficial artists by night.¹⁹⁰ By February 1988, part-time, unofficial artists were exhibiting to each other, to a few patrons and to foreign visitors and diplomats in their studio apartments or in clandestine group shows.¹⁹¹ Some shows featured enough theatre, poetry and bizarre dress to make them more like happenings than art exhibitions.¹⁹² Klaucke had a large role in convincing the Soviets to sell the work of unofficial artists and in opening up the American market.¹⁹³ At first, the Soviet government was

182. Levitsky, *The Restructuring of Perestroika: Pragmatism and Ideology (The Preamble to the Soviet Constitution of 1987 Revisited)*, 23 CORNELL INT'L L.J. 235, 242.

183. *Id.*

184. See Meisler, *supra* note 7, at 133.

185. *Id.*

186. *Id.* at 134.

187. See generally Wallach, *supra* note 161, at 59.

188. *Id.*

189. Wallach, *supra* note 161, at 59.

190. *Id.*

191. Meisler, *supra* note 7, at 135.

192. *Id.*

193. Wallach, *supra* note 161, at 63.

hesitant and indeed confused by the enthusiasm for work it had disregarded or despised.¹⁹⁴ The total lack of interest in the artists they honored also was baffling to them.¹⁹⁵ The great foreign interest and hard currency to be gained, however, persuaded the government to implement glasnost by dialogue and exchange of art.¹⁹⁶ The western idea of the work of art as precious object and marketable commodity had invaded the Soviet Union.¹⁹⁷ As a result of this invasion, art by the Soviets is now a form of communication beyond the art community circle.¹⁹⁸

The infamous 1988 Sotheby's international auction in Moscow of contemporary and early twentieth century Soviet art forever changed the Soviet art world's impression of Soviet art.¹⁹⁹ The capitalist art market blatantly endorsed Soviet art.²⁰⁰ One hundred twenty paintings sold for about 3.5 million dollars.²⁰¹ Yet, the Sotheby's auction took place in pounds sterling, making it impossible for Soviet citizens to participate.²⁰² Art sold for astronomical amounts, but the artists were taxed as much as seventy per cent of their earnings from the auction.²⁰³ After the Sotheby's auction, the artists set their prices with high hopes and in total ignorance of the American market.²⁰⁴ Soviet artists themselves were now overvaluing the art.²⁰⁵

Following the Sotheby's auction, an unprecedented Soviet avant-garde artist exhibition occurred in the West.²⁰⁶ In New York, on May 30, 1989, "10 + 10: Contemporary Soviet and American Painters" opened.²⁰⁷ This unprecedented exhibition of ten young Soviet and ten young American artists toured five American museums over a one year period.²⁰⁸ The 10 + 10 exhibit was conceived when Gordon Dee Smith, an American organizer of cultural exchange museum exhibitions, met with Genrikh Popov, the chief of the Soviet Ministry of Culture's Fine

194. *Id.* at 59.

195. *Id.*

196. Hard currency is currency which is traded frequently.

197. Hochfield, *Up From the Underground*, ART NEWS, May 1990, at 152, 156 [hereinafter *Up From the Underground*].

198. See generally Hochfield, *In a Neutral Zone*, ART NEWS, Dec. 1989, at 47, 48 [hereinafter *In a Neutral Zone*].

199. See generally Meisler, *supra* note 7, at 133.

200. *Id.*

201. *Id.*

202. *Perestroika Shock*, *supra* note 178, at 128.

203. Young with Rinehart, *supra* note 138, at 43.

204. Wallach, *supra* note 161, at 63.

205. *Up From the Underground*, *supra* note 197, at 153.

206. Meisler, *supra* note 7, at 134.

207. *Id.* See also Wallach, *supra* note 161, at 61.

208. Meisler, *supra* note 7, at 134.

Arts department.²⁰⁹ Surprisingly, Popov agreed to let American curators come to the Soviet Union to select the paintings.²¹⁰ That event eventually led to a large six hundred piece collaboration by the United States, West Germany and the Soviet Union entitled, "Russian and Soviet Art of the Avant-Garde 1910-1930" which will open in New York in 1991.²¹¹ The addition of a new and previously hidden method of expression which is uniquely Soviet can only serve to enrich the international art world.

E. The Soviet Government's Structure in Exporting Soviet Art

Prior to glasnost, the business of trading Soviet art was relatively simple; only the Ministry of Foreign Trade administered Soviet foreign trade.²¹² Yet, the inadequacies of the old regulations for exporting art surfaced and new methods were developed.²¹³ For instance, the Artists Union and ministry salons were being granted autonomous financial status to cut some of the red tape.²¹⁴ As a result, foreigners could buy art through either official salons or cooperatives.²¹⁵ Pavel Khoroshilov opened the Ministry of Culture's art export salon in 1986.²¹⁶ His staff was more open and aesthetically sophisticated than the staff at the Artists Union.²¹⁷ Also, this salon chose to disregard an artist's official status.²¹⁸ The First Gallery, being the first gallery to exhibit avant-garde art in Moscow, retained similar conditions in order to facilitate the purchase of Soviet art by foreigners.²¹⁹ Whatever route was chosen, art sales occurred in hard currency and were regulated by both the Ministry of Finance and Ministry of Culture.²²⁰ Either way, artists receive ten percent of sales price in hard currency.²²¹ Thus, the government encouraged joint ventures to export the Soviet Union's competitively priced products to the West in order to earn hard currency.²²²

On April 1, 1987, Soviet citizens obtained the right to organize co-

209. *Id.*

210. *Id.*

211. Young with Rinehart, *supra* note 138, at 43.

212. Levin, *Soviet-American Trade From the Perspective of a Former Soviet Trade Official*, 11 WHITTIER L. REV. 411 (Summer 1989).

213. *Perestroika Shock*, *supra* note 178, at 128-31.

214. *Id.* at 130.

215. *Id.* at 131.

216. *Id.* at 126.

217. *Id.* at 127.

218. *Perestroika Shock*, *supra* note 178, at 123, 127.

219. *Id.* at 131.

220. *Up From the Underground*, *supra* note 197, at 157.

221. *Id.*

222. Levin, *supra* note 212, at 412-13.

operatives.²²³ Cooperatives are essentially private businesses existing as partnerships.²²⁴ Their aim is to provide goods and services which the state run economy is unable to provide.²²⁵ On April 1, 1989, the cooperatives, along with virtually any other governmental enterprise, were allowed to trade directly with foreign individuals and entities, which consequently enabled them to hold foreign currency.²²⁶ Thus, Soviet businesspeople could deal directly with the end product user or seller.²²⁷ Despite hazy procedures, now close to 100,000 cooperatives flourish in the Soviet Union.²²⁸ Cooperatives are more flexible than the larger and more cumbersome operations of government sponsored enterprises.²²⁹ As a result, cooperatives remain more active in negotiations with western firms.²³⁰

This unchartered course presents problems because the Soviet businesspeople know what they want, but are inexperienced in foreign trade operations.²³¹ For instance, dealing with world market prices, practices and rules governing import and export operations, even inside the Soviet Union, requires a business sense previously unneeded.²³² This lack of knowledge is due in large part to the fact that Soviet commercial law is often unpublished, untested in courts of law, as well as unknown to the people who execute it.²³³

There is a growing imbalance in the sphere of culture between the economic and financial activity of the state institutions and that of the cooperatives.²³⁴ The inequities in pay in the cultural sphere are causing an exodus of personnel from state institutions and "engendering narrow-minded pragmatism."²³⁵ Yet, the Soviet government does not approve of the guidance that the cultural process is receiving. With all the changes, the Ministry of Culture and Artists Union continue to exercise de facto control over the export of art.²³⁶

223. Bazyler, *Making Profits From Perestroika: Soviet Economic Reform and New Trade Opportunities in the Gorbachev Era*, 11 WHITTIER L. REV. 323, 330 (Summer 1989).

224. *Id.*

225. *Id.*

226. Zimble, *Soviet Cooperatives and East-West Trade*, 11 WHITTIER L. REV. 387, 391 (Summer 1989). See also Levin, *supra* note 212, at 413.

227. Levin, *supra* note 212, at 412.

228. Bazyler, *supra* note 223, at 330.

229. Levin, *supra* note 212, at 413-14.

230. *Id.* at 414.

231. *Id.* at 412.

232. *Id.*

233. Zimble, *supra* note 226 at 391.

234. CPSU, *supra* note 21, at 26.

235. *Id.*

236. *The Perils of Perestroika*, *supra* note 174, at 48.

The phenomena exhibited in the Sotheby's auction resulted in the Soviet government officially treating art as an export barter commodity, comparable with vodka and caviar on the limited list of desirable Soviet products.²³⁷ For instance, there was a 1.5 million dollar rental fee for the American bound Malevich retrospective.²³⁸ Art exporting became a focal point for the government. Regulations on art exports had been designed to keep foreign currency in the government by preventing foreigners from using cheap black market rubles to buy art.²³⁹ Yet these regulations arguably backfired.

In 1988, the work of avant-garde artists was displayed internationally and artists began to receive permission to travel with their work.²⁴⁰ This change in policy gave Soviet artists an opportunity to see western art firsthand.²⁴¹ Free now to travel and exhibit abroad, Soviet artists cluster in Munich, Amsterdam, Brussels or New York.²⁴² Indeed, so many Soviet artists are abroad that some exaggeratingly claim an artistic life no longer exists within the Soviet Union.²⁴³

The reasons for working abroad include a combination of seeking what the West has to offer as well as escaping the existing limitations in the Soviet Union.²⁴⁴ For instance, Soviet artists are only allowed to take five paintings or ten graphic works duty free when they leave the country. Therefore, it is easier to work abroad and use the hard currency generated duty-free to buy things unavailable in the Soviet Union.²⁴⁵

With the exporting of Soviet art and Soviet artists creating works outside the Soviet Union, many people are concerned that the art of an entire generation is leaving the country.²⁴⁶ Indeed, the Soviet government is doing little to keep art in its country. Currently, only one contemporary art museum exists in the Soviet Union and it is in Erevan, the capital of Armenia.²⁴⁷ Soviet artists would like a simple public art market in Moscow.²⁴⁸ Although artists can sell directly to the public, few Soviets can afford to compete with the sums western collectors are will-

237. *Id.*

238. *Id.*

239. *Perestroika Shock*, *supra* note 178, at 128.

240. Meisler, *supra* note 7, at 133.

241. Young with Rinehart, *supra* note 138, at 43. Foreign art started to appear in the Soviet Union, although mainly in Moscow. *The Perils of Perestroika*, *supra* note 174, at 48.

242. *In A Neutral Zone*, *supra* note 198, at 47.

243. *Up From the Underground*, *supra* note 197, at 155.

244. *Id.* at 157.

245. *Id.*

246. *Id.*

247. *Id.* at 158.

248. *In A Neutral Zone*, *supra* note 198, at 48.

ing to pay.²⁴⁹ The Soviet public is not strong enough to compete with the West and without a commitment by the Soviet government to buy Soviet art, the Soviet artists may be selling the best works to the West and depleting the Soviet art world in the Soviet Union.

F. The Art World in the Soviet Union After Its Introduction to the Western Concept of Commercialization of Art

The commercialization of contemporary art has drastically affected the private art world within the Soviet Union. Artists who used to get together regularly to discuss new work or just to gather and talk about art, life, death and religion, now usually meet at art events, and the talk usually turns to money.²⁵⁰ One artist comments, "[s]ometimes it occurs to me when I am making a drawing or a painting that I am making money, and that is very dangerous."²⁵¹ Rumblings that the underground is dead are also being heard.²⁵² Some believe, "[i]t died on the day of Sotheby's auction."²⁵³ To be an honest artist once meant being ready to endure poverty and all manner of deprivation.²⁵⁴ The common denominator uniting unofficial artists was the desire to be the antithesis to the well-fed artistic functionaries, official artists, for whom art was merely a convenient way of getting an easy meal.²⁵⁵ The commercialization of art seems to shift the focus of the creation of art from vehicle for artistic expression to a technical process which can make money. Then art becomes a job and not an expression of ideas.

Even if the underground is not dead, it is in serious jeopardy. Vadim Zakhov, a member of an unofficial club of avant-garde artists in Moscow, wears an eye patch to symbolize the crippled artist in Soviet society.²⁵⁶ Some unofficial artists try to preserve the marginal identity they had prior to glasnost.²⁵⁷ The avant-garde artists living and working in the Soviet Union still have to deal with many hardships ranging from the theoretical complexities on the changing role of the artist, to the real problems of supporting oneself and obtaining supplies needed to create

249. Young with Rinehart, *supra* note 138, at 43. With the changes in the art world, Soviets cannot afford to buy avant-garde pieces. *Up From the Underground*, *supra* note 197, at 158.

250. *Perestroika Shock*, *supra* note 178, at 179.

251. *Up From the Underground*, *supra* note 197, at 152.

252. *Id.* at 154.

253. *Id.*

254. *Id.*

255. *Id.*

256. Meisler, *supra* note 7, at 138.

257. *The Perils of Perestroika*, *supra* note 174, at 55.

the art.²⁵⁸

The artists themselves have splintered off into different factions. For instance, there are the Vanguard artists who are usually in their late twenties to early thirties.²⁵⁹ Even if they are successful in the West, these artists cannot get livable homes or studios and they encounter difficulty obtaining art supplies, studio space and other necessary items in the Soviet Union.²⁶⁰ The Soviet artists are now obliged to take part in the international art world, but their possibilities are restricted by a weak support system of museums, art journals, and schools.²⁶¹

There are also the artists who have sold out and figured out what the West really wants.²⁶² These artists create paintings of office and living room size and in colors which coordinate with post modern interiors.²⁶³ In the Soviet Union, for example, a black canvas is typically used and color needs to be drawn out of the foundation canvas whereas the Soviet artist in the West usually works from a white canvas and brings color to the work.²⁶⁴ The changes in color and size of painting are not the only reasons why Soviet artists antagonize others who deal with the West. The Moscow artists who have established western connections are referred to as the Moscow Mafia, being accused of hoarding their contacts and not wanting to help others achieve success.²⁶⁵

The new network of young artists on the Moscow scene treat their successful seniors as sellouts and prefer to live their life as art.²⁶⁶ For example, there is an unofficial and out-of-the-way Museum of Contemporary Art.²⁶⁷ It is forty-five minutes outside of Moscow and admittance is by invitation only.²⁶⁸ The marginal artist groups have lasted even throughout glasnost. The Toadstools are an uninhibited group of young artists who look on painting as no different than satirical theatrical review.²⁶⁹ The history of the Toadstools began when approximately sixty artists lived in Furmanny, just outside of Moscow.²⁷⁰ One subgroup of the Toadstools, the Champions of the World, staged a rowdy perform-

258. Solomon, *Vanguard Artists*, WORLD PRESS REVIEW, Feb. 1990, at 38.

259. *Id.*

260. *Id.* See also Young and Rinehart, *supra* note 138, at 43.

261. *Up From the Underground*, *supra* note 197, at 159.

262. Solomon, *supra* note 258, at 38.

263. Smelyansky, *supra* note 118, at 39.

264. Interview with Irving Simon, artist (Dec. 10, 1990).

265. *Up From the Underground*, *supra* note 197, at 155.

266. Solomon, *supra* note 258, at 38.

267. *Perils of Perestroika*, *supra* note 174, at 55.

268. *Id.*

269. *Up From the Underground*, *supra* note 197, at 155.

270. *Id.*

ance parodying the Sotheby's auction in which they auctioned garbage, unwritten novels, and the like.²⁷¹

Despite the differences between Soviet artists, there are common denominators in Soviet art which link all Soviet artists. Soviets cannot escape from their artistic foundation altogether.²⁷² For instance, many Soviet paintings have a frantic, hurried finish and most Soviet canvasses have textual matter somewhere.²⁷³ Also, nonrepresentational styles permeate the Soviet avant-garde, in order to remain an antithesis to official art.²⁷⁴

Limited resources do make it difficult for freedom of expression to emerge although the museums have some outlets which are already in existence. Museums are letting their patrons get to know their artistic history. For instance, fifty-nine years ago a great Soviet painter, Pavel Nikolaevich Filonov,²⁷⁵ nearly had his first retrospective at the Russian Museum.²⁷⁶ Three hundred of his artworks hung for two years without an audience.²⁷⁷ Then experts pronounced that the museum could not show something that is incomprehensible.²⁷⁸ Until June 1988, the work was ignored.²⁷⁹ Then the Russian Museum in Moscow opened Filonov's first comprehensive retrospective.²⁸⁰ The new retrospective is a true expression and test of glasnost.²⁸¹

Similarly, after glasnost, the art of Kazimir Severinovich Malevich, (1878-1935), was shown at the Russian Museum in Leningrad.²⁸² Before glasnost, some of Malevich's works were exhibited abroad but rarely in the Soviet Union.²⁸³ In addition to this exhibit, Malevich had an exhibit in Moscow and both these showings were the first Soviet exhibitions of the once banned artist's work in more than fifty years.²⁸⁴ At the January 1989 exhibit in Moscow, the Malevich retrospective attracted huge crowds, proving that the Soviet public is interested when quality is

271. *Id.*

272. *See generally* Meisler, *supra* note 7, at 136.

273. Meisler, *supra* note 7, at 136.

274. *Id.*

275. Filonov lived from 1882 to 1941.

276. Bowlit, *Rehabilitating the Russian Avant-Garde*, ART NEWS, Feb. 1989, at 116, 117.

277. *Id.*

278. *Id.*

279. *Id.*

280. *Id.*

281. Bowlit, *supra* note 276, at 117.

282. *Id.* at 118.

283. *Id.*

284. Young with Rinehart, *supra* note 138, at 43.

shown.²⁸⁵ Now Malevich's collection is whole because of the temporary integration of Stedelijk²⁸⁶ and Russian Museum collections.²⁸⁷

Presently in the Soviet Union, artists must wrestle not only with the question of what their art means in the wider world but also with the problem of where they fit into the marketplace.²⁸⁸ The western art market is a baffling phenomenon.²⁸⁹ The artists exposed to the West are wary of ghettoization, and understand that their best interests will be served by finding their place as individual artists within the international scene, which a few of them have already managed to do.²⁹⁰ Mistakes will be made, but that is how an artist grows.²⁹¹ However, Soviets cannot afford to have their government regress to a state of censorship and artistic segregation. The government must concretely lay a written legal foundation from which glasnost can become a springboard for all artists in the Soviet community.

VI. CONCLUSION

The positive changes which glasnost has produced regarding freedom of expression can only be permanent if written into the forthcoming Soviet constitution. Film, theater, music and painting all rely on expressing ideas and the world can only share in the art when artistic expression is not forced underground due to a repressive government. The world has shown its desire for the Soviet's creative expression of ideas. While film and music are somewhat limited by language barriers²⁹² and theater is limited by its own definition of needing actors in order to create and sustain a production, Soviet fine art seems to have shattered any barrier preventing sharing between East and West. Fine art speaks a language the world can understand and the art object can exist apart from its creator. Yet, even Soviet art is in jeopardy without a government which will ensure the freedom to create and disseminate the end product. Despite the Soviet Union's current economic crisis which may impede further progress by non-government/non-party organizations, an ideological liberation solidified in the Soviet constitution will be the basis

285. *Id.*

286. The Stedelijk Museum is in Amsterdam.

287. Bowlit, *supra* note 276, at 118.

288. Wallach, *supra* note 161, at 66.

289. *Up From the Underground*, *supra* note 197, at 153. The Soviet artists learn that some galleries are better than others, but do not know which. *Id.*

290. Wallach, *supra* note 161, at 66.

291. *Id.*

292. See *supra* note 110 and accompanying text.

for democratic changes in the future and ensure the continuation of free thought and artistic expression.

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